DRAFT

Fishery Management Report No.

of the

Atlantic States Marine Fisheries Commission

Amendment 1 to the Interstate Fishery Management Plan For Winter Flounder

Final Draft
Date of Draft: October 15, 2004

3.4.3 Social and Economic Information

Commercial Fisheries

The ACCSP will require the collection of baseline social and economic data on all commercial fisheries (refer to the ACCSP Program Design document for details). A minimum set of standard data elements will be collected by all social and economic surveys (refer to the ACCSP Program Design document for details).

Recreational Fisheries

The ACCSP will require the collection of baseline social and economic data on all recreational fisheries through add-ons to existing recreational catch/effort surveys (refer to the ACCSP Program Design document for details). A minimum set of standard data elements will be collected in all for-hire catch/effort surveys (refer to the ACCSP Program Design document for details).

3.4.4 Discard, Release and Protected Species Interactions Monitoring Program

The ACCSP will require a combination of quantitative and qualitative methods for monitoring discard, release, and protected species interactions in commercial, recreational, and for-hire fisheries. Commercial fisheries will be monitored through an at-sea observer program and several qualitative programs, including strandings, entanglements, trend analysis of logbook reported data, and port sampling. Recreational fisheries will be monitored through add-ons to existing intercept surveys and additional questions added to the telephone survey. For-hire fisheries will be monitored through an at-sea observer program and several qualitative programs (refer to the ACCSP Program Design for details).

3.4.5 Observer Programs

The ACCSP at-sea observer program is a mandatory program. As a condition of state and/or federal permitting, vessels should be required to carry at-sea observers when requested. A minimum set of standard data elements will be collected through the ACCSP at-sea observer program (refer to the ACCSP Program Design document for details). Specific fisheries priorities will be determined by the Discard/Release Prioritization Committee.

3.5 HABITAT PROGRAM

This Amendment is not requiring any additional habitat monitoring programs at this time. Recommendations on monitoring of habitat can be found in Section 5.3.

4.0 MANAGEMENT PROGRAM IMPLEMENTATION

Amendment 13 to the New England Fisheries Management Councils Multispecies Plan for Groundfish contains a number of management measures for reducing fishing mortality on the SNE/MA winter flounder stock. These include restrictions on days at sea as well as closed areas, rolling closures, and other measures. For the SNE/MA commercial winter flounder fishery, more than 80% of the landings each year are taken from the EEZ, where the fishery is regulated by Amendment 13. The reductions imposed under Amendment 13 are expected to account for the majority of the reductions determined necessary by the current stock assessment. In response to concerns over a potential shift of effort inshore due to the restrictions imposed by Amendment 13, the ASMFC elected to initiate stockwide area-specific management measures for both the GOM and SNE/MA stock.

An analysis of the number of non-federal permit holders commercially fishing for winter flounder in state waters and the impact of this fishery on the SNE/MA stock complex was not possible given the lack of data to support such an analysis. Complexities in determining the number of individuals bound only by ASMFC regulations make this precise evaluation difficult. While some states are able to develop an estimate of this number, the estimates range from fewer than 100 to more than 1000 individuals per state. Issues expressed by Technical Committee members include the fact that federal permits are issued to vessels while state permits are issued to individuals, as well as the fact that federal permits may be renewed at any time during the year, allowing individuals to fish under their state license (and therefore not subject to the more restrictive federal regulations) for a part of the year until the federal license is renewed.

The Winter Flounder Management Board elected to use stock area-specific fisheries management measure for both the recreational and commercial sectors of the winter flounder fishery that are part of the management units for the ASMFC draft Amendment 1 to the Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder (FMP). Selection of this option means that management measures will be the same throughout the stock – all states within the SNE/MA stock will have the same recreational and commercial management measures and all states within the GOM stock will have the same recreational and commercial management measures.

According to the reference point parameters already selected by the Management Board, a reduction in fishing mortality is necessary for the SNE/MA stock of winter flounder. No reduction in fishing mortality is necessary for the Gulf of Maine stock of winter flounder. The Technical Committee developed a set of options to harmonize the fisheries management measures for the GOM stock in response to the Board selection of Stockwide Fisheries Management Measures for both the Recreational and Commercial sectors.

The New England Fishery Management Council's Amendment 13 contains a number of management measures for reducing fishing mortality on the SNE/MA winter flounder stock. These include restrictions on days at sea as well as closed areas, rolling closures, minimum mesh, minimum size, and other measures. The Winter Flounder Management Board may wish to consider one or more methods of reducing fishing mortality on the SNE/MA winter flounder stock within state waters.

The ASMFC winter flounder management board has asked the Technical Committee to provide options to implement stock wide recreational and commercial management regulations for winter flounder. At the present time, the states from Maine through Delaware employ various regulations for minimum size, bag limits (recreational), cod-end mesh sizes (commercial), and season/area restrictions. The Technical Committee met on October 5, 2004 to develop options for both the recreational and commercial sectors (Sections 4.1 and 4.2 of the Draft Amendment 1) for development of uniform, stockwide regulations for each sector of the fishery. Current recreational and commercial measures by state are summarized in Table 1.

Table 1. Current state regulations for winter flounder as of March 2004.

Commercial			
State	Minimum Size Limit	Cod-end Mesh	Seasons and/or Area Restrictions
ME	12"	6.0"	General spawning closure in state waters for all groundfish species from April 1st - June 1st
NH	12"	6.5" (to take, transport or posses winter flounder or other groundfish)	No mobile gear allowed in state waters Harvest by gill net during April, May, and June is prohibited.
MA[1]	12"	6.5" (diamond) 6.0" (square) 100 lb limit for all flounder species for mesh < 6.0";	Year round night closure to mobile gear; Gulf of Maine spawning closure and inshore net areas closed to all gear from: February 1st -May 31st; Year round prohibition of commercial netting in inshore net area and Buzzards Bay; Year round prohibition of commercial harvest of winter flounder in Mount Hope Bay; at least 12 other seasonal/area/gear closures
RI	12"	6.0" (except fyke nets)	Open March 1st in CMLMA[2] until 1/2 quota (137,763 lbs. in 2004) is reached; reopens October 1st to November 15th, or until quota is met; 100 - 300 lb. trip limit in CMLMA
CT	12"	5.5" (diamond) 6" (square)	Closed, trawling prohibited: March 1st - April 14th; Year-round 100 lb possession limit for small-mesh fisheries (≤5.5" diamond or ≤6" square)
NY	12"	5.5" (diamond) 6.0" (square) 100 lb. mesh trigger	Fyke nets: October 1 - March 22; Pound and trap nets: July 26 - June 14; All other comm. gear: December 1 - June 13; Year round prohibition of gill or trammel nets
NJ	12"	5.0" 100 lb. mesh trigger	Trawling prohibited < 2 miles; Fyke nets closed: February 20th – October 31st; All other commercial gear closed: June 1st - November 30
DE	10"	None	Trawling prohibited

[1] Massachusetts also has a maximum vessel size limit of 72 feet length overall.

[2] Coastal Marine Life Management Area - Narragansett Bay, coastal salt ponds, and Little Narragansett Bay; quota varies yearly.

Recreational				
State	Minimum Size Limit	Bag Limit	Season and/or Area Restrictions	Last Update
ME	12"	None	None	02/23/04
NH	12"	None	None	04/22/04
MA[3]	12"	3	March 1st – April 30th	03/05/04
		8	May 1st – February 28th	
RI	12"	4	Open 3rd Saturday in April and continuing for 37 days, beginning again the last Saturday in September and continuing for 31 days.	02/24/04
CT	12"	8	None	02/23/04
NY [4]	11"	15	Open: 3rd Saturday in March - June 30th and September 15th - November 30th	04/26/04
NJ	11"	None	Closed: January 1st - February 28th and June 1st - September 14th	02/26/04
DE	10"	None	None	08/31/01

[3] Winter flounder may not be taken from Mount Hope Bay and its tributaries except recreational fishermen may take 4 fish between April 13th and May 19th and between September 28th and October 28th.
[4] Winter flounder may not be taken for commercial purposes aboard party and charter vessels while carrying passengers for hire.

RECOMMENDATIONS FOR SECTION 4.1: RECREATIONAL FISHERIES MANAGEMENT MEASURES

The recreational fishery for winter flounder is currently managed through a combination of minimum size limits, bag limits, and closed seasons. There is considerable variability in how these measures are applied between states in an individual stock unit. The Technical Committee applied preliminary analyses to determine potential reductions that could be achieved by implementing various changes to the current set of management measures. The results of these analyses are detailed below:

Minimum Size

The Technical Committee recommends a uniform minimum size of 12" for recreational fishery. At the present time, 5 of 8 states have minimum sizes of 12". This recommendation is consistent with previous technical committee advice for a uniform recreational size limit of 12". This measure increases age at entry by approximately 6 months, affords protection to immature females and will increase spawning stock biomass per recruit.

For the Southern New England/ Mid-Atlantic Stock (1999-2003 combined), 13% of the harvest (1999-2003 combined) has been below 12". However, the increase in minimum size does not

correspond to a 13% decline in catch because fish between the current 11" limit and 12" will grow into 12" limit. Based on Von-Bertlanfy growth parameters, this growth should occur from 11" to 12" in approximately 6 months. Assuming M=0.20, approximately 88% of fish between 11 and 12" will survive the 6 month interval required to grow from 11" to 12". Based on the length weight equation used by the NEFSC audit program (C=-11.75, B=3.14), a change from 11" to 12" corresponds to a 32% increase in weight.

Closed Season

The total recreational catch in number of Southern New England / Mid-Atlantic winter flounder (A+B1+B2) by wave and state is shown in Table 2. The percentage of total catch by wave and state is shown in Table 3. Most of the catch (48%) occurs in wave 2 (March-April), 15% in Wave 3 (May-June), 1% in wave 4 (July-August), 7% in Wave 5 (September-October) and 29% in Wave 6 (November-December). New Jersey (59.5%) and New York (31%) account for most of the catch.

Currently, Massachusetts and Connecticut do not have a closed season, although Massachusetts had a March 1-April 30 closure prior to 2002. Rhode Island is closed January-3rd week in April, New York is closed January-3rd week in March, July-mid September, and January. New Jersey is closed January-February and June 1st through September.

The Technical Committee proposes a Wave 2 closure for all states in Southern New England/ Mid-Atlantic stock area. This closure will reduce catches by 48%, but assumes no shift in effort if currently closed seasons are opened. Current closed seasons in New York, New Jersey, and Rhode Island were designed to reduce recreational winter flounder catches. This proposal redistributes the closed seasons in those states and implements a closed season in CT, DE, and MA where there currently are no seasonal closures for winter flounder. Based on previous analysis of the impact of the current closures in New York, New Jersey, and Rhode Island, significant recoupment of the 48% loss in wave 2 is expected through redistribution of effort into the newly opened closures. To prevent the anticipated recoupment, additional time frames beyond wave 2 would have to be closed or the wave 2 closure would have to be in addition to the current patchwork of state closures in NY, NJ, and RI.

The percentage of catch with wave 2 excluded, as well as percent reduction in catch by state is shown in Table 4. The percent distribution of catch by state is similar with and without wave 2 closure (Table 5).

Table 2. Total number of Southern New England/ Mid-Atlantic winter flounder caught recreationally by state and wave for 1999-2003 combined.

Wave	2	3	4	5	6	Waves 2-6
Months	Mar/Apr	May/Jun	Jul/Aug	Sep/Oct	Nov/Dec	Mar-Dec
CT	46,021	126,921	9,171	14,544	18,098	214,755
DE	188	0	0	0	260	448
MA[1]	4,729	13,880	3,160	0	431	22,200
NJ	1,606,726	235,054	3,376	195,251	1,505,756	3,546,162
NY	1,012,926	467,588	10,561	141,419	212,655	1,845,148
RI	170,697	74,254	6,076	61,287	15,535	327,849
VA	3,469	0	0	0	0	3,469
Grand Total	2,844,756	917,697	32,343	412,500	1,752,735	5,960,031

[1]Massachusetts had a March 1 to April 30 closure from 1999-2001. In February 2002, the closure was lifted in exchange for a 3 fish bag limit. No catch has been reported from Wave 2 in Massachusetts (SNE-MA) since the management change.

Table 3. Distribution of Southern New England/ Mid-Atlantic winter flounder recreational catch by state and wave as a percentage of total number caught in 1999-2003 combined.

Wave	2	3	4	5	6	Waves 2-6
Months	Mar/Apr	May/Jun	Jul/Aug	Sep/Oct	Nov/Dec	Mar-Dec
CT	0.77	2.13	0.15	0.24	0.30	3.60
DE	0.00	0.00	0.00	0.00	0.00	0.01
MA	0.08	0.23	0.05	0.00	0.01	0.37
NJ	26.96	3.94	0.06	3.28	25.26	59.50
NY	17.00	7.85	0.18	2.37	3.57	30.96
RI	2.86	1.25	0.10	1.03	0.26	5.50
VA	0.06	0.00	0.00	0.00	0.00	0.06
Grand Total	47.73	15.40	0.54	6.92	29.41	100.00

Table 4. Distribution of Southern New England/ Mid-Atlantic winter flounder recreational catch by state and wave as a percentage of total number caught in 1999-2003 combined with a proposed recreational March-April closure.

Wave	2	3	4	5	6	Waves 2-6	% reduction by state
Months	Mar/Apr	May/Jun	Jul/Aug	Sep/Oct	Nov/Dec	Mar-Dec	
CT	0.00	4.1	0.3	0.5	0.6	5.4	21.4
DE	0.00	0.0	0.0	0.0	0.0	0.0	42.0
MA	0.00	0.4	0.1	0.0	0.0	0.6	21.3
NJ	0.00	7.5	0.1	6.3	48.3	62.3	45.3
NY	0.00	15.0	0.3	4.5	6.8	26.7	54.9
RI	0.00	2.4	0.2	2.0	0.5	5.0	52.1
VA	0.00	0.0	0.0	0.0	0.0	0.0	100.0
Grand Total	0.00	29.5	1.0	13.2	56.3	100.0	47.7

Table 5. Recreational catch by state as percentage of total recreational catch for March-December 1999-2003 combined and for May-December 1999-2003 combined (excludes proposed March-April closure).

wave	Mar-Dec Status quo closures	May-Dec with Wave 2 closure
CT	3.6	5.4
DE	0.0	0.0
MA	0.4	0.6
NJ	59.5	62.3
NY	31.0	26.7
RI	5.5	5.0
VA	0.1	0.0
Grand Total	100.00	100.00

Bag limits

Currently, bag limits vary by state. Six of eight states in the Southern New England have bag limits - only New Jersey and Delaware lack bag limits. Massachusetts' bag limit is 3 in March1-April 30 and 8 the rest of the year; Rhode Island has a four fish limit, Connecticut has a 8 fish limit and New York has a fifteen fish limit. The frequency distribution of number of winter flounder caught per single angler trip is shown in Table 6. Nearly 86% of angler caught 4 or less winter flounder. Only 5% of angler trips caught 10 or more winter flounder. The Technical Committee conducted bag-limit analyses using both MFRSS model (no weighting of the intercept distributions in each wave/state/mode stratum by total effort) and the MAFMC model (includes weighting of the intercept distributions in each wave/state/mode stratum by total effort). Both gave similar results.

Table 6. Distribution of number of winter flounder caught per single angler (A+B1) in Southern New England-Mid-Atlantic stock area for 2003.

Catch in Number	Number observed	Percentage	Cumulative Percentage
1	79	42.0	42.0
2	43	22.9	64.9
3	26	13.8	78.7
4	13	6.9	85.6
5	5	2.7	88.3
6	7	3.7	92.0
7	1	0.5	92.6
9	2	1.1	93.6
10	2	1.1	94.7
11	1	0.5	95.2
12	2	1.1	96.3
14	1	0.5	96.8
15	3	1.6	98.4
18	1	0.5	98.9
28	1	0.5	99.5
29	1	0.5	100.0

In the GOM stock area, only Massachusetts has a bag limit. Catch sampling in 2003 was low. The frequency distribution of number of winter flounder caught per single angler trip is shown in Table 7. This sample size is too low to perform a robust bag-limit analysis.

Table 7. Distribution of number of winter flounder caught per single angler (A+B1) in Gulf of Maine stock area for 2003.

Catch in Number	Number observed	Percentage	Cumulative Percentage
1	11	45.8	45.8
2	6	25.0	70.8
3	3	12.5	83.3
4	1	4.2	87.5
5	1	4.2	91.7
8	2	8.3	100.0

Management Options

The Technical Committee developed six options for Recreational Fisheries Management Measures for the Southern New England/Mid-Atlantic (SNE/MA) stock, and four options for management measures for the Gulf of Maine (GOM) stock. These proposed measures are summarized in Table 8. Each option is explained in detail below. The expected reduction (relative to the other options) that may be achieved by each option is listed for the SNE/MA stock only, as this is the only stock for which the assessment determined a reduction in fishing mortality was necessary. The Technical Committee has not quantified the expected reduction because many of these options technically interact with each other, and we could not quantify the impact of effort displacement in response to the newly proposed seasonal closures. Instead the Technical Committee has provided qualitative descriptions of the expected impacts: Large= likely to meet needed reductions, medium= likely to achieve some but not all of the needed reduction, and very small to none.= near status quo. The options presented for the GOM stock simply attempt to create a stockwide standard set of recreational fisheries management regulations for the GOM stock and do not exist to achieve reductions in fishing mortality from the recreational sector of the fishery.

The Technical Committee noted that the recreational sector of the winter flounder fishery accounts for a small percentage of winter flounder landings (~20% of the landings from the SNE/MA stock in recent years) and that reductions in fishing mortality achieved in the recreational sector may have a negligible effect on the recovery rate of the SNE/MA stock. The Technical Committee also noted that NEFMC Amendment 13 focuses on the commercial fishery in the EEZ and did not implement any regulation on the recreational fishery. Amendment 1 to the ASMFC plan is the only available mechanism for regulating the recreational fishery.

Table 8. Options by stock for Recreational Fisheries Management Measures

SNE/MA stock

Option	Size limit	Bag limit	Closed season	Expected Reduction
1	12	6	March/April	Large
2	12	2	status quo	Large
3	12	status quo	existing + March/April	Large
4	12	status quo	March/April	Medium
5	12	status quo	status quo	Very Small
6	status quo	status quo	status quo	None

GOM stock

Option	Size limit	Bag limit	Closed season	
1	status quo (12)	status quo	status quo (none)	None
2	12	8	none	None
3	12	none	none	None
4	12	6	none	Very small

Southern New England/Mid-Atlantic Stock

Option 1 – This option, along with Option 2, has been identified as a preferred option by the Winter Flounder Management Board.

Proposed: 12" minimum size, 6 fish bag limit, closed season for March/April only

For all options except the status quo option, the Technical Committee recommends a uniform minimum size of 12" for the recreational fishery. At the present time, 5 of 8 states in the SNE/MA stock have minimum sizes of 12". For the Southern New England/ Mid-Atlantic Stock (1999-2003 combined), 13% of the harvest (1999-2003 combined) has been below 12". This measure may initially reduce mortality on the 11" size class, potentially allowing those fish to spawn before they reach 12" and are legally landed.

Option 1 also proposes a 6-fish bag limit for all states in the SNE/MA stock. Based on an analysis of existing bag limits and the effects of a standard, 6-fish bag limit stockwide, a uniform 6-fish bag limit throughout the stock would likely result in a measurable decrease on fishing mortality for the recreational component of this stock.

Option 1 proposes a closed season for the months of March and April throughout the stock. This would harmonize the closed season throughout the stock. The closed season for most states within the SNE/MA stock overlaps in part with the proposed March/April closure. These months represent a time of peak harvest for the recreational fishery and closing these two months to recreational fishing would likely result in a decline in recreational fishing mortality for the SNE/MA stock. Implementing this option would open up the existing closed seasons in all states, however, and the effects of opening existing closed seasons cannot be determined at this time. The main purpose of choosing this option for closed seasons is to standardize regulations throughout the stock area. The

Technical Committee recommends a re-evaluation of the effectiveness of the new measures when the assessment is next updated.

The cumulative effects of the changes proposed in this option will likely result in a large decrease in recreational-induced fishing mortality on winter flounder in the SNE/MA stock. Although the effects of these measures cannot be quantified with precision because of inability to predict effort displacement to the newly opened seasons, the Technical Committee developed this option in response to the Board's selection of stock-area specific management measures for Amendment 1. The changes proposed in this option would create a uniform set of recreational regulations throughout the SNE/MA stock.

<u>Option 2</u> – This option, along with Option 1, has been idientified as a preferred option by the Winter Flounder Management Board.
Proposed: 12" minimum size, 2 fish bag limit, existing closed seasons (differ by state)

This option proposes that all states in the SNE/MA stock implement a 12" minimum size limit for the winter flounder recreational fishery.

Option 2 proposes a 2-fish bag limit for all states in the SNE/MA stock. Preliminary bag limit analyses indicate that, given the regulations in place for 2003, implementing a 2-fish bag limit in the SNE/MA stock will result in a large reduction in recreational-induced fishing mortality in the SNE/MA stock. This reduction has the potential to allow the SNE/MA recreational fishery to approach the rebuilding F approved by the Board for Amendment 1 if the existing closed seasons are maintained.

Option 2 also proposes maintaining the existing closed seasons for the states within the SNE/MA stock. Given the large amount of variability in current recreational regulations for the SNE/MA stock, the Technical Committee recognizes that if size and bag limits are made uniform throughout the stock, an evaluation of the actual reduction in fishing mortality as a result of these changes and recommendations for uniform closed seasons can take place in the future.

<u>Option 3</u>
Proposed: 12" minimum size, status quo bag limits, existing closed seasons PLUS March/April closure

This option proposes that all states in the SNE/MA stock implement a 12" minimum size limit for the winter flounder recreational fishery.

Option 3 proposes maintaining existing closed seasons but requiring that the months of March and April be closed to recreational fishing for winter flounder in all states within the SNE/MA stock. Preliminary analyses indicate that, given the regulations in place for 2003, adding the requirement of a closure in March and April in the SNE/MA stock will result in a large reduction in recreational fishing mortality in the SNE/MA stock. This reduction has the potential to allow the SNE/MA recreational fishery to approach the rebuilding F approved by the Board for Amendment 1 if the existing closed seasons are maintained.

Option 3 proposes maintaining the existing bag limits for the states within the SNE/MA stock.

Given the large amount of variability in current recreational regulations for the SNE/MA stock, the Technical Committee recognizes that if size limits and closed seasons are made more uniform throughout the stock, an evaluation of the actual reduction in fishing mortality as a result of these changes and recommendations for uniform bag limits can take place in the future.

Option 4
Proposed: 12" minimum size, status quo bag limits, closed season for March/April only

This option proposes that all states in the SNE/MA stock implement a 12" minimum size limit for the winter flounder recreational fishery.

Option 4 proposes requiring that the months of March and April be closed to recreational fishing for winter flounder in all states within the SNE/MA stock. Under this option, ONLY the months of March and April would be closed – existing closed seasons that fall outside the months of March and April could be re-opened. This would harmonize the closed season throughout the stock. The closed season for most states within the SNE/MA stock overlaps in part with the proposed March/April closure. These months represent a time of peak harvest for the spawning across throughout the SNE-MA stock area. Current recreational effort would likely be redistributed to the currently closed seasons that would now be opened.

Option 4 proposes maintaining the existing bag limits for the states within the SNE/MA stock. Given the large amount of variability in current recreational regulations for the SNE/MA stock, the Technical Committee recognizes that if size limits and closed seasons are made more uniform throughout the stock, an evaluation of the actual reduction in fishing mortality as a result of these changes and recommendations for uniform bag limits can take place in the future.

Option 5
Proposed: 12"minimum size limit, status quo bag limits, and existing closed seasons

This option proposes that all states in the SNE/MA stock implement a 12" minimum size limit for the winter flounder recreational fishery. The change in size limit is the only change proposed in this option. Under this option, the bag limits and closed seasons that currently exist in each state would stay the same.

This option harmonizes the size limits throughout the stock area and improves spawning stock per recruit by delaying age at entry to the fishery in order to protect immature animals from the fishery. This measure will have little impact in reducing fully recruited fishing mortality rate. Small reductions in number of fish occurring from natural mortality during the time required to grow from 11" to 12" will be offset by gains in weight Under this option, states within the SNE/MA stock would maintain existing bag limits and closed seasons.

Option 6
Proposed: Maintain status quo for all current recreational fisheries management measures

This option proposes that the states within the SNE/MA stock maintain all existing recreational fisheries regulations. This option does not create a uniform set of options nor does it provide for reductions in fishing mortality in the recreational sector of the fishery.

Gulf of Maine Stock

Option 1 – This option has been identified as the preferred option by the Winter Flounder Management Board.

This option proposes that the states within the GOM stock maintain all existing recreational fisheries regulations. This includes an existing 12" minimum size limit for all states, existing bag limits, and existing closed seasons.

Option 2

This option proposes that the states within the GOM stock maintain the existing 12" minimum size, adopt an 8-fish bag limit, and does not require any recreational closed seasons in the GOM stock area.

Option 3

This option proposes that the states within the GOM stock maintain the existing 12" minimum size, with no required bag limit or closed season.

Option 4

This option proposes that the states within the GOM stock maintain the existing 12" minimum size limit, adopt a 6-fish bag limit, and that there be no required closed season.

RECOMMENDATIONS FOR SECTION 4.2: COMMERCIAL FISHERIES MANAGEMENT MEASURES

The commercial fishery for winter flounder is currently managed through a combination of minimum size limits, cod-end mesh sizes, and closed seasons.

Amendment 13 is expected to contribute the bulk of the necessary reduction for the SNE/MA stock, as the portion of the fishery regulated by Amendment 13 is responsible for the largest portion of winter flounder landings from the SNE/MA stock. The expected reduction for SNE/MA winter flounder in Amendment 13 is between 37 and 49%. Amendment 13 regulates winter flounder fisheries through Days-At-Sea (DAS) allowances, mesh requirements, rolling season closures, and a closed habitat area. The Technical Committee recommends harmonizing mesh sizes in state waters with those in the adjacent EEZ waters. The Technical Committee also recommends a stockwide 12" minimum size limit. Currently 12' is the minimum size in all states except Delaware, which currently has a 10" minimum size limit – the TC recommends that Delaware raise their size limit to 12". Recommendations for closed seasons are summarized below.

Southern New England/Mid-Atlantic Stock

Option 1 – This option has been identified as the preferred option by the Winter Flounder Management Board.

This option proposes a 12" minimum size limit, mesh sizes that correspond with those in adjacent EEZ waters, and that states maintain existing closed seasons.

Under this option, there are three options for mesh size in the SNE/MA states.

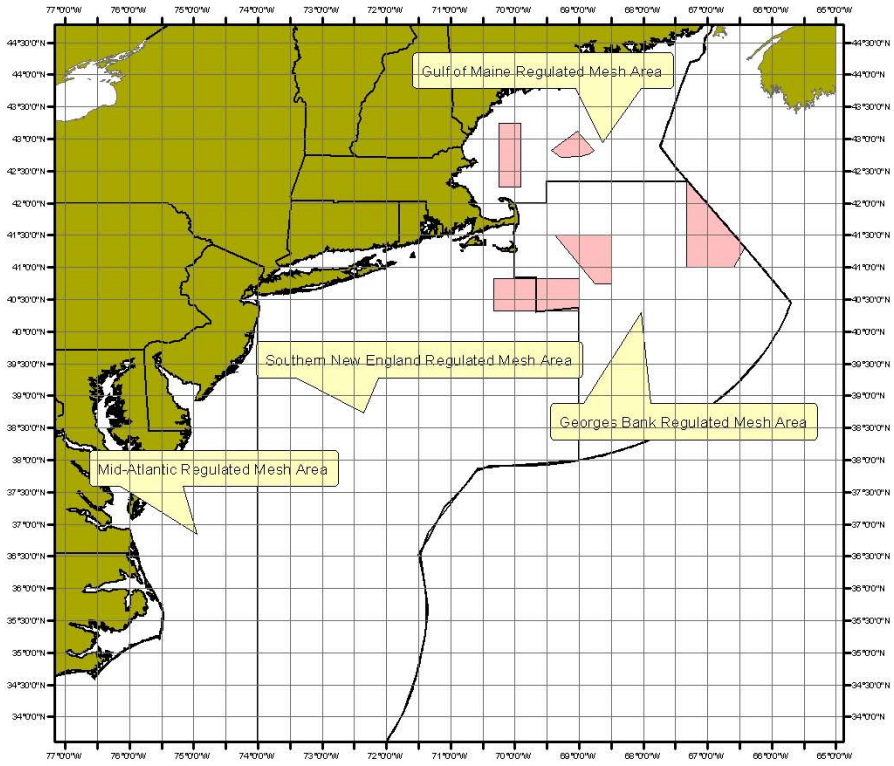
Mesh Option A: The mesh size requirement would be 7.0" diamond, 6.5" square mesh in cod-end for all states in the SNE/MA stock. This creates uniform mesh size regulations throughout the

SNE/MA stock area but creates mesh size regulations that are not uniform with those in the adjacent EEZ under Amendment 13 for Delaware and a portion of New Jersey.

Mesh Option B – This option has been identified as the preferred option by the Winter Flounder Management Board: States in the SNE/MA stock area follow the federal regulations for mesh size. This would require 6.5" square and 7,0" diamond mesh in cod-end for Massachusetts, Rhode Island, Connecticut, New York, and the part of New Jersey waters that fall outside the Mid-Atlantic Regulated Mesh Area (Figure 1). The mesh size would be 6.5" diamond or square mesh in cod-end for Delaware and for the segment of New Jersey that falls inside the Mid-Atlantic Regulated Mesh Area in Amendment 13 (Figure 1).

Mesh Option C: Mesh size would be 6.5" square or diamond in cod-end for all states in the SNE/MA management unit when fishing for winter flounder. This option allows for a uniform mesh size for state waters within the SNE/MA stock area, but is not uniform with regulations in the adjacent EEZ under Amendment 13 for Massachusetts, Rhode Island, Connecticut, New York, or a portion of New Jersey.

Figure 1. Map showing the Mid-Atlantic Regulated Mesh Area. For the purpose of Amendment 1 to the Winter Flounder FMP, this area consists of waters in New Jersey, and Delaware. This area is labeled in the figure.



All of the mesh size regulations would include a 100 lb. trip limit for winter flounder if smaller

mesh were being used. This 100 lb. "mesh trigger" currently exists in many states in the SNE/MA stock and provides for the landing of a small amount of winter flounder as bycatch in smaller-mesh fisheries – this option simply extends the "mesh trigger" to the remaining states in the SNE/MA stock.

This option does not create a uniform set of closed seasons for all the states in the SNE/MA stock, but rather requires states to maintain existing closed seasons. The timing of closed seasons may be evaluated in the future based on the stock's response to Amendment 13 and ASMFC management measures.

Option 2
This option proposes a 12" minimum size limit, mesh sizes that correspond with those in adjacent EEZ waters, and implementing a uniform spawning closure for all gear types for the months of January, February, and March.

Under this option, there are three options for mesh size in the SNE/MA states.
Mesh Option A: The mesh size requirement would be 7.0" diamond, 6.5" square mesh in cod-end for all states in the SNE/MA stock. This creates uniform mesh size regulations throughout the SNE/MA stock area but creates mesh size regulations that are not uniform with those in the adjacent EEZ under Amendment 13 for Delaware and a portion of New Jersey.

Mesh Option B: States in the SNE/MA stock area follow the federal regulations for mesh size. This would require 6.5" square and 7,0" diamond mesh in cod-end for Massachusetts, Rhode Island, Connecticut, New York, and the part of New Jersey waters that fall outside the Mid-Atlantic Regulated Mesh Area (Figure 1). The mesh size would be 6.5" diamond or square mesh in cod-end for Delaware and for the segment of New Jersey that falls inside the Mid-Atlantic Regulated Mesh Area in Amendment 13 (Figure 1).

Mesh Option C: Mesh size would be 6.5" square or diamond in cod-end for all states in the SNE/MA management unit when fishing for winter flounder. This option allows for a uniform mesh size for state waters within the SNE/MA stock area, but is not uniform with regulations in the adjacent EEZ under Amendment 13 for Massachusetts, Rhode Island, Connecticut, New York, or a portion of New Jersey.

All of the mesh size regulations would include a 100 lb. trip limit for winter flounder if smaller mesh were being used. This 100 lb. "mesh trigger" currently exists in many states in the SNE/MA stock and provides for the landing of a small amount of winter flounder as bycatch in smaller-mesh fisheries – this option simply extends the "mesh trigger" to the remaining states in the SNE/MA stock.

A commercial fisheries closure from January through March would likely have the effect of reducing fishing mortality in state waters and protect winter flounder populations during a period of peak spawning. Furthermore, this may provide protection against localized depletion by preventing concentrated effort on local spawning populations.

Gulf of Maine Stock
Option 1 – This option has been identified as the preferred option by the Winter Flounder

Management Board.
The Technical Committee recommends that the states within the GOM stock area maintain the existing 12" minimum size limit and remain consistent with the adjacent EEZ mesh size regulations. The mesh size in the EEZ adjacent to the GOM stock area is a 6.5" diamond or square mesh in the cod-end.

Under this option, states would maintain existing season closures, including any Federal rolling closures that affect state waters in the GOM stock area.

Option 2
The Technical Committee recommends that the states within the GOM stock area maintain the existing 12" minimum size limit and remain consistent with the adjacent EEZ mesh size regulations. The mesh size in the EEZ adjacent to the GOM stock area is a 6.5" diamond or square mesh in the cod-end.

Under this option, states would implement a required closure for the months of April and May. The purpose of this closure would be to protect winter flounder populations in the GOM during a time of peak spawning.

4.3 ALTERNATIVE STATE MANAGEMENT REGIMES

Once approved by the Winter Flounder Management Board, states are required to obtain prior approval from the Board of any changes to their management program for which a compliance requirement is in effect. Other non-compliance measures must be reported to the Board but may be implemented without prior Board approval. A state can request permission to implement an alternative to any mandatory compliance measure only if that state can show to the Board's satisfaction that its alternative proposal will have the same conservation value as the measure contained in this amendment or any addenda prepared under Adaptive Management (*Section 4.6*). States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. All changes in state plans must be submitted in writing to the Board and to the Commission either as part of the annual FMP Review process or the Annual Compliance Reports.

4.3.1 General Procedures

A state may submit a proposal for a change to its regulatory program or any mandatory compliance measure under this amendment to the Commission, including a proposal for *de minimis* status. Such changes shall be submitted to the Chair of the Plan Review Team, who shall distribute the proposal to the Management Board, the Plan Review Team, the Technical Committee, the Stock Assessment Committee and the Advisory Panel.

The Plan Review Team is responsible for gathering the comments of the Technical Committee, the Stock Assessment Committee and the Advisory Panel, and presenting these comments as soon as possible to the Management Board for decision.

The Winter Flounder Management Board will decide whether to approve the state proposal for an alternative management program if it determines that it is consistent with the "target fishing mortality rate applicable", and the goals and objectives of this amendment.